



**FINANCE AND ADMINISTRATION CABINET  
COMMONWEALTH OFFICE OF TECHNOLOGY**

**Steven L. Beshear**  
Governor

101 Cold Harbor Drive  
Frankfort, Kentucky 40601  
Phone: 502-564-1201  
Fax: 502-564-5769  
<http://tech.ky.gov/>

**Jonathan Miller**  
Secretary  
Finance and Administration Cabinet

**Jim Barnhart**  
Deputy Commissioner

**To:** Federal Communications Commission

**Date:** October 28, 2008

**Subject:** Kentucky's Response to the FCC's third FNPRM – 700 MHz D Block

The Kentucky Wireless Interoperability Executive Committee, KY SEIC, supports the premise that a nationwide and/or regional public safety 700MHz Data Network should be established. Toward that end this letter is in response to the FCC's Third FNPRM (PS Docket No. 06-229, WT Docket No. 06-150) to provide comments to the FCC's tentative conclusions and to follow up on their Second FNPRM. It appears that the FCC's primary focus is on setting performance, build out and technology requirements, as well as operational roles and auction rules designed to make the 700 MHz D Block auction more attractive to potential bidders in the formation of a shared commercial/public safety broadband network.

The Commonwealth of Kentucky has gone on record in support of a public/private broadband network to meet public safety requirements. We take note of the FCC's desire to (1) auction this spectrum to a single national licensee and/or failing that (2) auctioning to 58 Regional Licensees aligned along national FCC Regions. We foresee difficulty balancing the requirement for a commercially based data network against the requirement for public safety grade network. The current economic climate compounds the difficulty in obtaining a broadband network that meets the critical needs of our responders.

Kentucky is concerned that there will be no successful bidder for a single national licensee and furthermore is concerned that a national 700MHz data business model may not serve the interests of public safety. In Public Safety Regions where there is no D Block winner or where the shared broadband network does not materialize, we recommend that the FCC should reallocate the broadband spectrum to public safety and not allow it to go unused.

Kentucky Public safety agencies need broadband communications now and must have the ability to implement their own broadband networks earlier than the D Block build out schedule required by the FCC. It is unlikely that much of Kentucky will see the build out of the shared broadband network for many years, if ever.

Kentucky supports a regional approach to licensing the 700MHz data spectrum because of the following advantages to public safety:

- Kentucky Emergency Warning System (KEWS) Digital Microwave System with 140 towers that provides the infrastructure for all state public safety wireless communications
- 800MHz Mobile Data System using KEWS Infrastructure



- Extensive experience in developing, operating and maintaining a large communications network
- Successful business model for state agencies and free infrastructure for local 800MHz Data
- We understand our public safety needs and the criticality of interoperable communications and can ensure that systems are built to the same technology standards set by the FCC for the shared broadband network.
- Our system can be integrated into the shared network.

Kentucky established a comprehensive 800MHz Mobile data standard in 2004 and installed a statewide infrastructure for this network. Contributing to the success of the system is the fact that the Commonwealth of Kentucky has installed and maintains the network and all state and local users operate at no cost except for the initial cost of the mobile equipment. The network operates on Kentucky's public safety microwave communications system (KEWS) and connects all public safety agencies including both law enforcement and all other public safety disciplines.

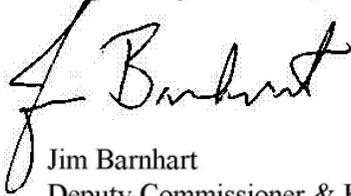
Kentucky's system is widely accepted, fills a critical communications need and is designed for the future. Planning was underway to upgrade our present 800MHz data system into a robust 700MHz broadband data system statewide with varying bandwidth until the 700MHz channels were removed from state control. We firmly believe in national standards for 700 MHz mobile data and for future growth through broadband data, however we are concerned about how a commercial interest and government can have a productive business relationship and how our many under-funded local jurisdictions can afford "another" commercial solution.

Region 17 favors a spectrum solution that involves a standards base for both wideband (50 KHz - 150 KHz) and broadband channels (above 1 MHz bandwidth). The wideband channel would give greater coverage in rural areas but have a lower data rate and broadband for usage in urban / suburban areas or whichever fits the department's need the best. This could be similar to some users having dial up service while others have DSL and broadband cable.

In summary, Kentucky supports the national need for broadband for Public Safety on a regional basis and with the option and flexibility to partner with the commercial interest on the digital network and equipment.

Thank you for your consideration of these comments. We look forward to working with the Commission as it addresses these matters of great importance to public safety agencies.

Respectfully submitted,



Jim Barnhart  
Deputy Commissioner & KWIEC Chairman  
Commonwealth Office of Technology  
Frankfort, KY 40601